

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAWRENCE K. BAERMAN
CLERK

JAMES T. FOLEY U.S. COURTHOUSE
445 BROADWAY, ROOM 509
ALBANY, NEW YORK 12207
(518) 257-0800

June 13, 2005

Clerk, US District Court
2300 United States Courthouse
One Courthouse Way
Boston, MA 02210-3002

RE: Pharmaceutical Industry Average Wholesale Price Litigation
MDL Docket # 1456
NDNY Case # 05-cv-425 GLS/RFT

Dear Clerk:

Enclosed herewith please find a certified copy of the Conditional Transfer Order and a certified copy of the docket sheet in the above-listed MDL case. As this case is completely electronic under ECF, you can view the original record by clicking on the "CM-ECF Quick Query" link on our intranet site at <http://156.121.59.197/>.

Please return the copy of this letter to my attention when you receive this. Thank you.

Sincerely,
LAWRENCE K. BAERMAN, CLERK



By: Britney Norton
Deputy Clerk

ban
Enclosures

ACKNOWLEDGMENT: _____ DATE: _____

CLOSED

U.S. District Court
Northern District of New York [LIVE - Version 2.4] (Albany)
CIVIL DOCKET FOR CASE #: 1:05-cv-00425-GLS-RFT

County of Albany v. Abbott Laboratories, Inc. et al Date Filed: 04/06/2005
Assigned to: Judge Gary L. Sharpe Jury Demand: None
Referred to: Magistrate Judge Randolph F. Treece Nature of Suit: 890 Other
Cause: 42:1396 - Tort Negligence Statutory Actions
Jurisdiction: Federal Question

Plaintiff

County of Albany

represented by **Aaron D. Hovan**
Kirby, McInerney Law Firm
830 Third Avenue
New York, NY 10022
212-371-6600
Fax: 212-751-2540
Email: ahovan@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Kirby, McInerney Law Firm
830 Third Avenue
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Fax: 212-751-2540

Email: iramirez@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Abbott Laboratories, Inc.

Defendant

Alcon Laboratories, Inc.

Defendant

Allergan, Inc.

Defendant

Alpharma, Inc.

Defendant

Amgen, Inc.

Defendant

Andrx Corp.

Defendant

**Astrazeneca Pharmaceuticals
L.P.**

Defendant

Aventis Pharmaceuticals Inc.

Defendant

Barr Laboratories, Inc.

Defendant

Baxter Healthcare Corporation

Defendant

Baxter International, Inc.

Defendant

Bayer Corporation

Defendant

Berlex Laboratories, Inc.

Defendant

Biogen Idec, Inc.

Defendant

Biovail Pharmaceuticals, Inc.

Defendant

**Bristol-Myers Squibb
Company**

Defendant

Ben Venue Laboratories, Inc.

Defendant

Boehringer Ingelheim Corp.

Defendant

**Boehringer Ingelheim
Pharmaceuticals, Inc.**

Defendant

Roxane Laboratories, Inc.

Defendant

Dermik Laboratories, Inc.

Defendant

Dey, Inc.

Defendant

Eisai, Inc.

Defendant

Eli Lilly and Company

Defendant

Endo Pharmaceuticals, Inc.

Defendant

Ethex Corp.

Defendant

Forest Laboratories, Inc.

Defendant

Forest Pharmaceuticals, Inc.

Defendant

Fujisawa Healthcare, Inc.

Defendant

Fujisawa USA, Inc.

Defendant

Genentech, Inc.

Defendant

Genzyme Corp.

Defendant

Gilead Sciences, Inc.

Defendant

Glaxosmithkline, P.L.C.

Defendant

Hoffman-La Roche, Inc.

Defendant

Immunex Corp.

Defendant

Ivax Corp.

Defendant

Ivax Pharmaceuticals, Inc.

Defendant

**Janssen Pharmaceutica
Products, LP**

Defendant

Johnson & Johnson

Defendant

King Pharmaceuticals, Inc.

Defendant

McNeil-PPC, Inc.

Defendant

Monarch Pharmaceuticals, Inc.

Defendant

Medimmune, Inc.

Defendant

Merck & Co., Inc.

Defendant

Mylan Laboratories, Inc.

Defendant

Mylan Pharmaceuticals, Inc.

Defendant

**Novartis Pharmaceuticals
Corp.**

Defendant

**Novo Nordisk Pharmaceuticals,
Inc.**

Defendant

**Oncology Therapeutics
Network Corp.**

Defendant

Ortho Biotech Products LP

Defendant

**Ortho-McNeil Pharmaceutical,
Inc.**

Defendant

**Organon Pharmaceuticals
USA, Inc.**

Defendant

Par Pharmaceutical, Inc.

Defendant

Pfizer, Inc.

Defendant

Pharmacia Corporation

Defendant

Purdue Pharma, L.P.

Defendant

Purepac Pharmaceutical Co.

Defendant

Reliant Pharmaceuticals

Defendant

Roche Laboratories, Inc.

Defendant

Sandoz, Inc.

Defendant

Sanofi-Synthelabo, Inc.

Defendant

Schering-Plough Corp.

Defendant

Schering Corporation

Defendant

Smithklinebeeckam Corp.

doing business as

Glaxosmithkline

Defendant

Serono, Inc.

Defendant

Takeda Pharmaceuticals North

America, Inc.

Defendant

**Tap Pharmaceutical Products,
Inc.**

Defendant

Teva Pharmaceutical USA, Inc.

Defendant

UCB Pharma, Inc.

Defendant

UDL Laboratories, Inc.

Defendant

**Warrick Pharmaceuticals
Corp.**

Defendant

Watson Pharma, Inc.

Defendant

Watson Pharmaceuticals, Inc.

Defendant

Wyeth

Defendant

Agouron Pharmaceuticals, Inc.

Defendant

Greenstone, Ltd.

Date Filed	#	Docket Text
04/06/2005	<u>1</u>	COMPLAINT against Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals Inc., Barr Laboratories, Inc., Baxter Healthcare Corporation, Baxter International, Inc., Bayer Corporation, Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Bristol-Myers Squibb Company, Ben Venue Laboratories, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Roxane Laboratories, Inc., Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp.,

		<p>Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, Inc., McNeil-PPC, Inc., Monarch Pharmaceuticals, Inc., Medimmune, Inc., Merck & Co., Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Organon Pharmaceuticals USA, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corporation, Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering-Plough Corp., Schering Corporation, Abbott Laboratories, Inc., Smithklinebeechem Corp., Serono, Inc., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Alcon Laboratories, Inc., Watson Pharmaceuticals, Inc., Wyeth, Agouron Pharmaceuticals, Inc., Greenstone, Ltd., Allergan, Inc., Alpharma, Inc. (Filing fee \$ 250 receipt number ALB000675) filed by County of Albany. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)(wbl,) (Entered: 04/08/2005)</p>
04/06/2005		<p>Summons Issued as to Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals Inc., Barr Laboratories, Inc., Baxter Healthcare Corporation, Baxter International, Inc., Bayer Corporation, Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Bristol-Myers Squibb Company, Ben Venue Laboratories, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Roxane Laboratories, Inc., Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp.,</p>

		<p>Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, Inc., McNeil-PPC, Inc., Monarch Pharmaceuticals, Inc., Medimmune, Inc., Merck & Co., Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Organon Pharmaceuticals USA, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corporation, Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering-Plough Corp., Schering Corporation, Abbott Laboratories, Inc., Smithklinebeechem Corp., Serono, Inc., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Alcon Laboratories, Inc., Watson Pharmaceuticals, Inc., Wyeth, Agouron Pharmaceuticals, Inc., Greenstone, Ltd., Allergan, Inc., Alpharma, Inc.. (wbl,) (Entered: 04/08/2005)</p>
04/06/2005	<u>2</u>	<p>G.O. 25 FILING ORDER ISSUED Initial Conference set for 8/10/2005 10:30 AM in Albany before Magistrate Judge Randolph F. Treece. Civil Case Management Plan due by 8/1/2005. (wbl,) (Entered: 04/08/2005)</p>
05/13/2005	<u>3</u>	<p>Letter from Aaron Hovan, outside counsel for County of Albany requesting Adjournment of Deadlines. (Hovan, Aaron) (Entered: 05/13/2005)</p>
05/16/2005	4	<p>TEXT ORDER: Plaintiff's attorney advises the Court that this case, among others, may be subject to Multidistrict Litigation with the District of Massachusetts. Dkt. No. <u>3</u> Letter Request filed by County of Albany. Inasmuch as this case will be transferred to the District of Massachusetts, this Court adjourns the scheduled Rule 16 conference without date, and awaits an order from the Clerk of the Court for the District of Massachusetts officially transferring this case from this District Court to</p>

		the District of Massachusetts. SO ORDERED. Signed by Judge Randolph F. Treece on 5/16/05. (Treece, Randolph) (Entered: 05/16/2005)
05/16/2005	<u>5</u>	NOTICE of filing of conditional transfer order (filed with MDL panel on 5/12/05; 15 day objection period still in effect). (wjg,) (Entered: 05/17/2005)
06/10/2005	<u>6</u>	TRANSFER ORDER. Case Transferred to the District of Massachusetts for MDL (re Pharmaceutical industry average wholesale price litigation). Signed by Clerk of the Panel Michael J. Beck. (ban) (Entered: 06/10/2005)
06/10/2005		Case transferred to District of Massachusetts. Original file, certified copy of transfer order, and docket sheet sent. (ban) (Entered: 06/10/2005)
06/10/2005	<u>7</u>	Letter from District of Massachusetts regarding transferring case for MDL. (ban) (Entered: 06/13/2005)

PACER Service Center

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
OFFICE OF THE CLERK
1 COURTHOUSE WAY
BOSTON, MASSACHUSETTS 02210

Sarah Allison Thornton
CLERK OF COURT

June 8, 2005

Mr. Larry Baerman, Clerk
345 James T. Foley U.S. Courthouse
445 Broadway
Albany, NY 12207

LAWRENCE K. BAERMAN, CLERK
ALBANY

IN RE: MDL DOCKET No. 1456 In Re: Pharmaceutical Industry Average
Wholesale Price Litigation

USDC - Massachusetts Lead Case No. 1:01CV12257-PBS

Your Case: Civil Action Nos:

✓ 1:05-408 County of Washington v. Abbott Labs, Inc. et al	District of MA No: 1:05-11180
✓ 1:05-422 County of Rensselaer v. Abbot Labs, Inc. et al	District of MA No: 1:05-11181
✓ 1:05-425 County of Albany v. Abbott Labs, Inc. et al	District of MA No: 1:05-11182
✓ 1:05-468 County of Warren v. Abbott Labs, Inc. et al	District of MA No: 1:05-11183
✓ 1:05-474 County of Greene v. Abbott Labs, Inc. et al	District of MA No: 1:05-11184
✓ 1:05-478 County of Saratoga v. Abbott Labs, Inc. et al	District of MA No: 1:05-11185

Dear Mr. Baerman :

Enclosed is a certified copy of the Order of the Judicial Panel on Multi-District Litigation, transferring the cases on the attached listing to the U.S. District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to Title 28 United States Code Section 1407. These cases have been assigned to the Honorable Patti B. Saris.

In accordance with the Rules concerning Multi-District Litigation, please forward the original case file, along with a certified copy of the docket entries and a copy of the transfer order for the case now pending in your district as indicated above. Also include a copy of this letter when transmitting your records to the above address.

Your prompt attention to this matter is greatly appreciated. If you should have any questions, please do not hesitate to contact the undersigned at 617-748-9113, Robert Alba, Courtroom Clerk for Judge Saris at 617-748-9175 or Christine Patch, Docket Clerk for Judge Saris, at 617-748-9178.

Sincerely,

Kimberly M. Abaid
Deputy Clerk

Information Copy to: Michael Beck, Clerk of the Panel
Counsel of Record
Robert Alba
Christine Patch

I hereby certify that the foregoing document is a true and correct copy of the

- ☐ electronic docket in the captioned case
☐ electronically filed original filed in _____
☒ original filed in my office on May 12 2005

Sarah A. Thornton
Clerk, U.S. District Court
District of Massachusetts

By: _____
Deputy Clerk

DOCKET NO. 1456

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY 12 2005

FILED
CLERK'S OFFICE

MAY 15 P 1:09

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION**

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-21)

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 35 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

MAY 31 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

SCHEDULE CTO-21 - TAG-ALONG ACTIONS
DOCKET NO. 1456
IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION

DIST. DIV. C.A. #

CASE CAPTION

NEW YORK NORTHERN

NYN 1 05-408	The County of Washington v. Abbott Laboratories, Inc., et al.
NYN 1 05-422	County of Rensselaer v. Abbott Laboratories, Inc., et al.
NYN 1 05-425	County of Albany v. Abbott Laboratories, Inc., et al.
NYN 1 05-468	County of Warren v. Abbott Laboratories, Inc., et al.
NYN 1 05-474	County of Greene v. Abbott Laboratories, Inc., et al.
NYN 1 05-478	County of Saratoga v. Abbott Laboratories, Inc., et al.
NYN 3 05-354	County of Chenango v. Abbott Laboratories, Inc., et al.
NYN 3 05-456	The County of Broome v. Abbott Laboratories, Inc., et al.
NYN 5 05-397	County of Tompkins v. Abbott Laboratories, Inc., et al.
NYN 5 05-423	County of Cayuga v. Abbott Laboratories, Inc., et al.
NYN 6 05-415	County of Herkimer, New York v. Abbott Laboratories, Inc., et al.
NYN 6 05-489	County of Oneida v. Abbott Laboratories, Inc., et al.
NYN 7 05-479	County of Saint Lawrence v. Abbott Laboratories, Inc., et al.

NEW YORK WESTERN

NYW 1 05-214	County of Chautauqua v. Abbott Laboratories, Inc., et al.
NYW 1 05-236	County of Allegany v. Abbott Laboratories, Inc., et al.
NYW 1 05-256	County of Cattaraugus v. Abbott Laboratories, Inc., et al.
NYW 1 05-259	County of Erie v. Abbott Laboratories, Inc., et al. Opposed 5/24/05
NYW 6 05-6138	County of Wayne v. Abbott Laboratories, et al.
NYW 6 05-6148	County of Monroe v. Abbott Laboratories, Inc., et al.
NYW 6 05-6172	County of Yates v. Abbott Laboratories, Inc., et al.